



CASE VA/H-33198

THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Confirmation No.: 7067

KNAPE ET AL.

Examiner: Scheiner

APPLICATION NO: 09/776,787

Art Unit: 1648

FILED: FEBRUARY 4, 2003

FOR: INACTIVE BOVINE SCOURS VACCINES, PROCESS AND METHOD OF
PREVENTING BOVINE SCOURS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

STATEMENT OF PUBLIC AVAILABILITY OF BIOLOGICAL MATERIAL

I, David L. Marks, Registration Number 37,881, am the duly appointed attorney of record for the above referenced patent application.

I, hereby state, that the biological material in the above referenced patent application are *Escherichia coli* strains B41, B42, B44, and B117 and have been deposited with American Type Culture Collection, 10801 University Boulevard, Manassas, VA 20109 on May 6, 2004. The ATCC Deposit Numbers are as follows:

E. coli strain B41 – ATCC Deposit Number PTA-5951

E. coli strain B42 – ATCC Deposit Number PTA-5952

E. coli strain B117 – ATCC Deposit Number PTA-5953

E. coli strain B44 – ATCC Deposit Number PTA-5954

American Type Culture Collection is an International Depository Authority under the provisions of the Budapest Treaty.

All restrictions upon public access to the deposit will be waived should a U.S. Patent be issued citing the deposited biological material. While the American Type Culture Collection acknowledges that the deposited biological material was viable, should the culture die, be destroyed, or unviable samples cannot be dispensed during the effective term of the deposit, the Applicants will replace the deposited biological material.

Respectfully submitted,

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